

**ENTERED**

November 16, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

JOSEPH RIDEAU and KIMBERLY  
RIDEAU,

Plaintiffs,

v.

FEDERAL NATIONAL MORTGAGE  
ASSOCIATION and IMPACT MORTGAGE  
CORP. D/B/A CASHCALL MORTGAGE,

Defendants.

§ CIVIL ACTION NO. H-18-3937

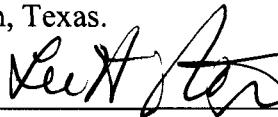
**ORDER**

Joseph and Kimberly Rideau sued IMPAC Mortgage Corporation and Federal National Mortgage Association (“Fannie Mae”) in the Harris County District Court, alleging violations of the Texas Constitution’s provisions on home equity loans. (Docket Entry No. 1-1). The Rideaus allege that the constitutional violations are a breach of their mortgage contract. They seek their prior loan payments as damages; quiet title to their property; a declaratory judgment that the home equity loan is void due to violations of the Texas Constitution and that title is quieted in the Rideaus’ name; and a permanent injunction preventing the lenders from foreclosing or otherwise interfering with the Rideaus’ use of the property. (*Id.*). The Rideaus also seek their attorneys’ fees. (*Id.*).

IMPAC and Fannie Mae removed to federal court and moved to dismiss two of the claims for violations of the Texas Constitution and the claim for a permanent injunction. (Docket Entry No. 4). The Rideaus’ amended complaint removes the challenged constitutional claims. (Docket Entry No. 8). Because the amended complaint supersedes the original complaint, the motion to dismiss is moot. IMPAC and Fannie Mae may file a motion to dismiss that specifically addresses the

amended complaint's claim and allegations. Any amended motion to dismiss must be filed by  
**January 11, 2019.**

SIGNED on November 15, 2018, in Houston, Texas.



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Lee H. Rosenthal  
Chief United States District Judge